

**CONLEY, NOT
FRANK,
KILLED PHAGAN
GIRL,
SAYS W. M.
SMITH**

Negro's Lawyer
Declares He

Has Sufficient
Evidence to

Support His New
Opinion as
to Case

NEGRO SWEEPER DID
NOT

CONFESS, SAYS
ATTORNEY

Conley, in Chain Gang,
Ex-

presses Complete
Surprise

When Informed of State- ment Made by His Counsel

"I am convinced James Conley is the murderer of Mary Phagan," declared William M. Smith, counsel for the Negro, who worked in consistent harmony with Solicitor General Hugh M. Dorsey during the various phases of the case against Leo M. Frank.

Mr. Smith states he has additional evidence to support his new opinion but declares this is not the appropriate time for the publication of that evidence.

The declaration of the attorney for Conley, Frank's accuser at the trial and the man whose testimony formed the nucleus of the State's case against Frank, is proving a sensation. When M. Smith's statement, that he believed Frank innocent was first published, it was generally believed the attorney would produce a confession from his client.

However, Mr. Smith emphatically declares Conley has made no confession, and so far as he (Smith) knows, this Negro still clings to the story he told on the witness stand, when he declared Frank called him and asked assistance in disposing of the body of the slain factory girl.

Jim Conley, who since July 20 has been working with the Bellwood convict gangs on the county road, expressed complete

surprise when informed by the Journal that his attorney, William M. Smith, had stated he was guilty of the murder of Mary Phagan.

“Only a few days ago, last Wednesday, I believe, Mr. Smith was out to see me, and he told me he would try to get me out of here on parole,” said the Negro, “and it is hard for me to believe he has said I am guilty of the crime.”

“When I talked to him before and after the trial, he always told me he believed I was telling the truth, and that he had confidence in me.”

SMITH WORKS ON CASE.

Mr. Smith some time ago communicated his new belief in the case to Luther Z. Rosser, Sr., leading counsel for Frank.

While Mr. Smith states he is of the opinion that there will be some new court action in the Frank case, he will not venture a forecast as to when and how that court action will be commenced. Mr. Smith asserts he is not employed in the case in any way, although he admits he is working on it.

He explains his action in this manner: “As Conley’s attorney I had been more or less active in the case from the start

(Continued on Page 2, Col.4.)

PDF PAGE 2, COLUMN 4

JIM CONLEY’S LAWYER

BELIEVES HIM GUILTY OF PHAGAN MURDER

(Continued from Page One.)

and when, some time after the extraordinary motion for a new trial had been heard, I decided I had been wrong in any theory and that Frank was not guilty, I naturally, as a matter of duty, started out to find the truth if possible."

Mr. Smith Saturday let it be known that he has been working in harmony with the Burns detectives, and he exhibited a letter from William J. Burns, written in reply to a telegram Smith and C. C. Tedder, one of his employees, sent Burns, asking the detective take up the Nelms case, in which Smith had a personal interest. He promised to devote additional time to work on the Frank case in return for the detectives' work in seeking to locate the missing daughters of his friend.

Dan S. Lehon, the Burns representative, has been co-operating with Attorney Smith in his work on the case, and he is in possession of the evidence on which Conley's attorney expresses the belief that his former client is guilty of the crime for which Frank has been convicted.

"I am confident," said Mr. Lehon, "that Mr. Smith will be able to convince all reasoning men of the guilt of the Negro and the innocence of Frank. I am not at liberty to divulge any of the evidence which Mr. Smith has and will have to refer you to him."

Mr. Lehon, when questioned, admitted that C. C. Tedder who acted for some time as an "evidence man" for Mr. Smith is still in the employ of the Burns agency. Tedder and Attorney Smith have been working together on the case.

When seen by a Journal reporter at his home, Mr. Smith had a library literally filled with work on the Frank case. There were the Court records, newspaper stories of the case, and a quantity of the lawyer's own work on the case. Unusual significance is attached to Mr. Smith's statement that the Negro, not Frank, is guilty, because he worked in such close harmony with the state during the early phases of the case.

AIDED THE STATE.

When the detectives and the solicitor decided Conley be held incommunicado and allowed to see and converse only with the detectives and the state officers, Mr. Smith's co-operation made it possible for them to carry out their plans, and for the many months that Conley was held in the tower he was not visited by the friends or detectives working for Frank.

Before the trial, Mr. Smith was frequently at outs with the attorneys for Frank and even engaged in newspaper controversies with them.

Mr. Smith, in talking with reporters, made it clear that he is not engaged in any attempt to liberate Frank further than that he will deliver to the condemned man's counsel the new evidence which he has and expects to gather.

He also stated emphatically that his opinion, unless he produces evidence to substantiate it, is of absolutely no value from a legal standpoint.

Mr. Smith early Saturday made this statement:

If my opinion is to be considered or to have any weight, you can say for me that I am disappointed at the premature publication of my beliefs. While they have intelligent basis, I had hoped to amplify them through assistance of the city

police, without publication. As far as my knowledge goes, Frank was the first to express confidence that "our police will solve the mystery," and I believe that this utterance can yet be shown to have been prophetic. With loyal and enthusiastic support of Chief Beavers, Chief Lanford and the men of the police department, my faith is that such evidence can be submitted to the solicitor general, for his direction, so as to place the responsibility for this murder where it belongs.

There were several reasons for my undertaking this work, and one of them was my promise to William J. Burns and Dan S. Lehon that if the Burns agency would help Mrs. Nelms to locate the girls or punish their murderer that I would give more time than I had to work on the Frank matter, and whatever results I was able to get I would contribute it to the case. Both my wife and I have known the Nelms girls for years, my wife being a playmate with Eloise from childhood.

As far as my opinion is to be valued by the public, I have no doubt that Frank is not guilty, and that his innocence can be established.

A Journal reported found Conley at work Saturday morning and was allowed by Warden C. H. Girardeau to talk to the Negro, when a special permit from the prison commission was produced.

At first, the Negro refused to believe that his attorney had made the statement attributed to him. Finally, he was shown a newspaper containing the story of his attorney's altered belief about the murder case. Conley read the story slowly and carefully.

SAYS HE IS INNOCENT.

"I have never told Mr. Smith anything except what I said to the court," the Negro declared, "and I am ready to tell my story again, whenever the court calls on me. Except in court I would rather not make any statement, except that I am innocent."

“Mr. Smith has always told me that he has confidence in me, and I would like to talk to him.”

Conley admitted he had never paid the attorney for his services in the case, but declared he understood Mr. Smith had been paid.

The Negro said he had an idea who paid the lawyer but did not desire to name the persons.

Conley does not appear to mind the work assigned to him as a convict, “I am getting along all right,” said the Negro, “and I was feeling pretty good because Mr. Smith told me he would try to get me out in a little while on a parole.”

Conley is serving a one year sentence, and with good behavior, he will be released on or about the middle of next May.

Frank, when seen in the Tower, said that Mr. Smith’s change is news to him and that he had no intimation that Conley’s attorney had changed.

Frank was visibly elated, but would only say: “I feel sure that Mr. Smith would not make the statement, which is attributed to him, if he did not have important evidence to back it up.”

Solicitor Dorsey refused to discuss Mr. Smith’s statement in detail with reporters Saturday, but did say, “If Mr. Smith has discovered any new evidence in the case, he certainly has not placed it in my hands.”
